

Appl. No. : 10/017,916
Filed : December 11, 2001

REMARKS

In response to the Office Action mailed July 14, 2003, Applicant respectfully requests the Examiner to consider the above-captioned patent application in view of the foregoing amendments and the following comments. As a result of the amendments set forth above, Claims 1-14 and 20-42 remain pending, of which Claims 8-10, 12-14 and 20-23 have been withdrawn from consideration. Claims 1-3, 5-7 and 11 have been amended. Claims 15-19 have been cancelled without prejudice or disclaimer, and new Claims 24-42 have been added.

In the Office Action mailed July 14, 2003, the Examiner rejected Claims 1-3, 5-7, 11 and 15-18 under 35 U.S.C. § 102(e) as being anticipated by Green, USP 6,558,420 (hereinafter, "Green"), and rejected Claims 11, 15 and 16 under 35 U.S.C. § 102(e) as being anticipated by Sarfarazi, USP 6,488,708 (hereinafter, "Sarfarazi"). Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Green in view of Caldwell, USP 4,932,968 (hereinafter, "Caldwell"), and Claim 19 was rejected under § 103(a) as being unpatentable over Green. Finally, the Examiner rejected Claims 3, 15, 17 and 18 under 35 U.S.C. § 112, second paragraph as being indefinite.

Interview of November 18, 2003

The undersigned Attorney for Applicant thanks Examiners Bruce Snow and Cheryl Miller for the courteous and helpful personal interview of November 18, 2003. At the interview, it was agreed that the amendments presented herein to Claim 1 overcame the Green and Sarfarazi references, as did new Claim 27 as presented herein.

Claims 1, 11

The Examiner rejected Claims 1 and 11 as being anticipated by Green, and further rejected Claim 11 as being anticipated by Sarfarazi. However, Applicant has amended Claim 1 in the manner discussed at the interview of November 18; Applicant therefore respectfully submits that Claim 1 is in condition for allowance over the prior art of record. Claim 11 has been amended in a manner similar to Claim 1, but Claim 11 nonetheless recites a somewhat different combination of features. Applicant further respectfully submits that Claim 11 is in condition for allowance over the prior art of record.

Appl. No. : 10/017,916
Filed : December 11, 2001

Claims 15-19

The Examiner rejected Claims 15-19 as being anticipated or rendered obvious by the prior art of record. These claims have been cancelled without prejudice or disclaimer, thereby mooting the Examiner's rejections of those claims. Applicant may wish to pursue these claims in a continuation or divisional application, as Applicant does not completely agree with the rejection of these claims.

Rejections for Indefiniteness

Of the claims which remain pending, the Examiner rejected Claim 3 under 35 U.S.C. § 112, second paragraph as being indefinite. Applicant has amended this claim in a manner which is believed to address the antecedent-basis issues raised by the Examiner.

For these reasons, all of the currently pending claims are now believed to comply with § 112, second paragraph.

New Claim 27

New claim 27 is presented herein, in the form discussed at the personal interview of November 18. Applicant therefore respectfully submits that this claim is in condition for allowance over the prior art of record.

New Claims

In view of the foregoing, Applicant respectfully submits that dependent Claims 2-7 are in condition for allowance, due to their dependence from allowable base claims as well as their recitation of further novel and nonobvious combinations of features.

Applicant also submits herein new dependent Claims 24-26 and 28-42, which are also believed to be in condition for allowance over the prior art of record.

Supplemental IDS

Submitted herewith is a Supplemental Information Disclosure Statement citing an additional co-pending application. Applicant respectfully requests the Examiner to consider the reference cited in the Supplemental IDS.

Appl. No. : 10/017,916
Filed : December 11, 2001

Conclusion

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowance is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments, deletions and cancellations have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments, deletions and cancellations are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Mark J. Kertz at (949) 721-6318 to resolve such issue(s) promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Dec. 12, 2003

By: Mark J. Kertz
Mark J. Kertz
Registration No. 43,711
Attorney of Record
Customer No. 20,995
(949) 760-0404